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<u>REMARKS/ARGUMENTS</u>

The Office Action of September 8, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1-26 have been canceled. Claims 27-46 remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Applicants have included a listing of the pending claims merely for the convenience of the Examiner.

Initially, Applicants thank the Examiner for the indication that claims 31, 37, 42-43, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 27-30, 32-36, 38-41, and 44-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Delaney et al. (U.S. Patent No. 6,937,574, hereinafter *Delaney*). Applicants respectfully traverse this rejection.

In order to reject a claim under 102(e), each and every feature of the claim must be taught by the reference. With respect to claim 1, the Action provides an inherency argument with respect to Applicants' feature of, "a plurality of virtual private networks, each of the virtual private networks having multiple service providers." Specifically with respect to this feature, the Action states, "a plurality of virtual private networks VPNs 20, each of them inherently (actual VPN operating environment will typically include multiple service providers) having multiple service providers (not show in the Fig. [1]), see col 6, lines 46-54."

Section 2112 of the MPEP specifies the requirements of rejection based on inherency. In particular, subsection IV states, "[t]he fact that a certain result or characteristic may occur to be present in the prior art is not sufficient to establish the inherency of that result or characteristic." Further there is nothing provided in the Action that states that "the missing descriptive matter is necessarily present in the thing being described in the reference." "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (Citations from Section 2112 (IV) of the MPEP). Still further, the Action specifically states, ""actual VPN operating environment will **typically** include

multiple service providers." (Action, page 2, emphasis added). Even assuming without admitting this statement as accurate, the Action acknowledges that multiple service providers are not necessarily present. The Action states that an actual VPN may or may not include multiple service providers. As such, Applicants fail to find a teaching in *Delaney* of, "a plurality of virtual private networks, each of the virtual private networks having multiple service providers," as recited in Applicants' claim 1. Alternatively, Applicants respectfully request the Examiner to provide evidence to support the inherency argument.

Still further, Applicants' claim 1 includes a feature of, "a global overseer configured to ensure end-to-end service quality across multiple ones of the plurality of virtual private networks." In rejecting this feature, the Action again relies on an inherency argument stating, "a global overseer 16 is inherently configured to ensure end-to-end service quality across VPNs 20." (Action, page 2). The Action continues by citing the core switch 16 in Figure 1 of *Delaney* while inexplicably labeling the core switch 16 of *Delaney* as "an exchange point operator EPO that interconnects VPNs 20." (Action, page 2). However, there is nothing stated in the Action as to how the core switch 16 of *Delaney* is a global overseer as recited in Applicants' claim 1. Again, "[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (Section 2112 (IV) of the MPEP. As such, Applicants respectfully request the Examiner to provide evidence to support the inherency argument.

Additionally, as attached Appendix A, *Newton's Telecom Dictionary*, 15th Edition dated February 1999, provides a definition of the term "core switch." *Newton's* describes a "core switch" to interconnect edge switches. *Delaney* fails to describe anything further about core switch 16 shown in Figure 1 other than the sentence, "[i]n some implementations, one or more core switches 16 may be connected between some of the access switches 12. As such, lacking any evidence that a "core switch 16" performs the same features of a global overseer as in Applicants' claim 1, *Delaney* fails to teach each and every feature. Applicants respectfully request the removal of the rejection over *Delaney*.

Claims 28-30, 32-36, and 38-40, which ultimately depend from claim 27, are in condition for allowance at least for the same reasons as their ultimate base claims and further in view of the novel features recited therein.

Applicants' independent claim 41 recites similar features as described above with reference to claim 27. The Action rejects claim 41 on the same grounds as claim 27. Therefore, for similar reasons as recited above with respect to Applicants' claim 27, Applicants' claim 41 is patentably distinct over *Delaney* as *Delaney* fails to teach or suggest every feature of the claim.

Applicants' claims 44 and 45, which depend from claim 41, are patentably distinct over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. For example, with respect to claim 41, the Action relies on the Network Service Provider Network 10 for the "at least one interconnect provider," (Action, page 2 and 4), yet, relies on the Access Switch 12, shown within the Network Service Provider Network 10 in Figure 1 of *Delaney* as "at least one exchange point **between** the first set of the multiple service providers and the at least one interconnect provider." (emphasis added). Even assuming that the Access Switch 12 performs the function of an exchange point, the Access Switch 12 is described **within** the Network 10 and **not between** a first set of the multiple service providers and the Network 10.
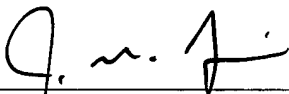
CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: ___November 8, 2005___   By: _____
                                        John M. Fleming
                                        Registration No. 56,536

1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000

APPENDIX A

(copy of cover page, publication page, and page 202 of Harry Newton, *Newton's Telecom Dictionary*, 15th Edition, Miller Freeman, Inc., New York, NY, February 1999)

NEWTON's TELECOM DICTIONARY

The Official Dictionary of Telecommunications & the Internet

- IP Telephony • LANs & Intranets • Call Centers & Computer Telephony
- Fiber Optics, SONET and DWDM • Satellites
- Voice, Data, Image & Video Networking • Wired
and Wireless Telecom • VoIP • T-1, T-3, T-4, E-1,
E-3 • ISDN & ADSL • Cable Modems • Cellular,
PCS & GSM • Windows 95, 98, NT, NetWare,
Apple, Sun & Unix Networking • Ecommerce

Updated
15th
Expanded
Edition

by Harry Newton

NEWTON's TELECOM DICTIONARY

which the light is transmitted (typically 8-12 microns in diameter for single mode fiber and 50-100 microns in diameter for multimode fiber). This light conducting portion of the fiber is defined by the high refraction index region. The core is normally in the center of the fiber, bounded by the cladding material. See also CORE

CORE Council Of REgistrars. An organization proposed to be charged with the responsibility for establishing and maintaining a new set of gTLDs (generic Top Level Domains) for the Internet. Effective March 1998, those gTLDs were to comprise the following: .arts (entities emphasizing cultural and entertainment activities); .firm (businesses, or firms); .info (entities providing information services); .nom (individual or personal nomenclature, i.e., a personal nom de plume, or pen name); .rec (entities emphasizing recreation/entertainment activities); .shop (businesses offering goods to purchase); and .web (entities emphasizing activities related to the World Wide Web).
The administration of the new gTLDs was contracted by CORE to Emergent Corporation, which was to develop, maintain, and operate the Shared Registry System (SRS). SRS is a neutral, shared, and centralized database of the new gTLGs. As many as 90 independent entities, known as "registrants," were authorized to register domain names, or URLs (Uniform Resource Locators), with each relying on the SRS. A URL, such as www.happypaintings.arts (this is not a real URL, at least not at the time of this writing), is translated into an IP address by a Domain Name Server (DNS), also known as a resolver. At the time of this writing, the proposal for new gTLDs has been forestalled. See also DNS, IP Address, SRS, TLD, and URL.

Core Gateway The primary routers in the Internet. Historically, one of a set of gateways (routers) operated by the Internet Network Operations Center at BBN. The core gateway system formed a central part of Internet routing in that all groups would advertise paths to their networks from a core gateway, using the Exterior Gateway Protocol (EGP).

Core Network A combination of high-capacity switches and transmission facilities which form the backbone of a carrier network. End users gain access to the core of the network from the Edge Network.

Core Non-Circularity The percent that the shape of the core's cross section deviates from a circle. Sometimes referred to as core ovality.

Core Processing Unit CPU. The card or shelf that controls the system or part of the system. It's called the CPU because all the RAM, subprocessors, buffers, clocking circuitry and ROM are included in this part of the system.

Core Size Primary description of a fiber. Stated in microns. Does not include cladding. Determines end surface area which accepts and transmits light.

Core Switch A Broadband Switching System (BSS) which is located in the core of the network. Conceptually equivalent to a Tandem Office in the voice world, a core switch serves to interconnect "Edge Switches," which provide user access to the broadband network much as do Central Offices in the circuit switched voice world.

Core Wall A wall that runs between structural floor and structural ceiling to separate stairwells, elevators, etc. from the rest of the building.

Cornea Gumbo A visually noisy, overdesigned Photoshopped mess. "We've got to redesign that page, it's become total cornea gumbo."

Corner Reflector 1. A device, normally consisting of three metallic surfaces or screens perpendicular to one another, designed to act as a radar target or marker.

2. In radar interpretation, an object that, by means of multiple reflections from smooth surfaces, produces a radar return of greater magnitude than might be expected from the physical size of the object.
3. A reflected electromagnetic wave to its point of origin. Such reflectors are often used as radar targets.
4. Passive optical mirror, that consists of three mutually perpendicular flat, intersecting reflecting surfaces, which returns an incident light beam in the opposite direction. 5. A reflector consisting of two mutually intersecting conducting flat surfaces.

Cornet A Siemens protocol for PBX-to-PBX signaling over a Primary Rate connection.

Corporate Account Service An MCI specific service involving a single, unified reporting system for multiple business that the customer owns, franchises, manages, or directs.

Corporate ID Number The MCI term for the number which identifies a customer on a corporate level. (Not all MCI customers have a corporate ID number.)

Corporate Network Also called an internetwork or a wide area network. A network of networks (the mother of all networks) that connects most or all of a corporation's voice, data, and video resources using various methods, including the phone system, LANs, private data networks, leased telecommunications lines, and public data networks. Connections between networks are made with bridges and routers.
Corporate networks come in many shapes and sizes. Often, they will consist of networks within the same building or facility. Here, networks are combined using bridges and routers. Corporate networks may also span great distances. Such internetworks require different types of connections than single-facility internetworks, though the fundamentals are similar. Internetworks that connect remote facilities usually rely on some type of public or leased data communications network provided by the phone company or a data network service company. Bridges and routers are still required to connect networks to the long-distance data service, whether it's an X.25 packet switched network, a T-1 line, or even a regular phone line. See also BRIDGE and ROUTER.

Correlation The AMA (Automatic Message Accounting) function that permits the association of AMA data generated at the same network system or at physically separate network systems. There are three levels of correlation that affect Advanced Intelligent Network Release 1: record level, service level, and customer level. Definition from Bellcore in reference to Advanced Intelligent Network.

Corresponding Entities Peer entities with a lower layer connection among them.

Corridor Optional Calling Plan Nynex offers a discounted way for subscribers in the 212 and 718 area codes to call five northern New Jersey counties — Bergen, Essex, Hudson, Passaic and Union. See CORRIDOR SERVICE.

Corridor Service A term that Bell Atlantic and Nynex are using for calls to and from the New York City area to and from Northern New Jersey, or between Philadelphia and Southern New Jersey.

Corrosion The destruction of the surface of a metal by chemical reaction.

COS 1. See CLASS OF SERVICE.
2. Compatible for Open Systems.
3. Corporation for Open Systems international. A Federal Government blessed organization which aims towards standardizing OSI and ISDN. COS members includes everyone from end-users to manufacturers. COS deals with private and public networking issues.